

United States District Court

For the Northern District of California

In re DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION,

No. M-02-1486 PJH (JCS)

This document relates to:
ALL ACTIONS.

**NOTICE OF REFERENCE, TIME
AND PLACE OF DISCOVERY
CONFERENCE**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for resolution of all discovery disputes, to implement a discovery plan, and to supervise discovery in all actions pending in this litigation.

IT IS HEREBY ORDERED as follows:

1. All parties shall exchange proposed discovery plans **on or before January 20, 2006**.
2. Lead trial counsel for all parties shall meet and confer *in person* and agree on a proposed discovery plan **on or before February 1, 2006**.
3. **On or before February 8, 2006**, the parties shall file the following:
 - a. Jointly, the agreed-upon discovery plan, and
 - b. Separately, memoranda regarding the plan and any disputed issues regarding the plan.
4. **On February 17, 2006, at 9:30 a.m.**, the Court will hold a discovery conference – all lead trial counsel must attend.

“Lead trial counsel” means, with respect to any party, the attorney who will be lead counsel at the trial of the matter; provided that if or one or more parties decide to appoint jointly one of their lead trial counsel to represent a group of parties for discovery purposes, they may do so.

4 Any party seeking an award of attorney's fees or other expenses in connection with this motion
5 shall file a motion in accordance with Civil Local Rule 37-1(e).

LAW AND MOTION HEARING PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102. Motions to compel may be noticed without reserving a hearing date, subject to the Court's availability. Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not less than 35 days' notice pursuant to Civil L. R. 7-2. Alternatively, any party may seek an order shortening time under Civil L. R. 6-3 if the circumstances justify that relief. In emergencies during discovery events, the Court is available pursuant to Civil L. R. 37-1(b). In the event a discovery dispute arises, counsel for the party seeking discovery shall in good faith confer **in person** with counsel for the party failing to make the discovery in an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil L. R. 37-1(a). The meeting must be **in person**, except where good cause is shown why a telephonic meeting is adequate. A declaration setting forth these meet and confer efforts, and the final positions of each party, shall be included in the moving papers. The Court will not consider discovery motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil L. R. 37-1(a).

20 A party or counsel has a continuing duty to supplement the initial disclosure when required under
21 Federal Rule of Civil Procedure 26(e)(1).

22 Law and motion matters may be submitted without argument upon stipulation of the parties and
23 notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L. R. 7-7(e),
24 filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of
25 the opposition. Thereafter, leave of the Court must be sought.

1 **ELECTRONIC FILING AND COURTESY COPIES**

2 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of California for
3 information relating to electronic filing procedures and requirements. All documents shall be filed in
4 compliance with the Civil Local Rules. Documents not filed in compliance with those rules will not be
5 considered by the Court.

6 BEFORE 5:00 P.M. ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC
7 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE
8 **PAPER COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS'
9 COPY."** All filings of documents relating to motions referred to Magistrate Judge Spero shall list the civil
10 case number and the district court judge's initials followed by the designation "(JCS)".

11 **The failure of counsel or a party to abide by this Order may result in sanctions pursuant to
12 Federal Rule of Civil Procedure 16(f).**

13 IT IS SO ORDERED.

15 Dated: January 10, 2006


16 JOSEPH C. SPERO
17 United States Magistrate Judge